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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,719	10/22/2003	Nels Lauritzen	PPC-694 DIV	6844

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8A

Office Action Summary	Application No. 10/691,719	Applicant(s) LAURITZEN, NELS	
	Examiner C. Lynne Anderson	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12, 18 and 19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-12, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10, 11, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ronnberg (6,241,716).

With respect to claims 10 and 11, Ronnberg discloses a method of applying an absorbent undergarment to a wearer. The first step comprises encircling the waist of the wearer with a waist belt 1 having a first end 3 and a second end 4, the waist belt 1 being secured to the proximal end of a suspension sling 7, as shown in figure 1 and described in column 3, lines 30-33. The first and second belt ends 3 and 4 are then releasably attached, as disclosed in column 3, lines 42-47. The suspension sling 7 is drawn through the crotch of the wearer and releasably attached to the belt 1, as disclosed in column 3, lines 48-57.

With respect to claims 18 and 19, Ronnberg discloses an embodiment wherein the suspension sling 7 is attached to the waist belt 1 is encircled around the waist of the

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wearer, as disclosed in column 3, lines 42-47. The first belt end 3 is oriented towards the anterior of the torso, as shown in figure 1.

Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ygge et al. (5,549,593).

Ygge discloses a method of applying an absorbent undergarment to a wearer. The first step comprises encircling the waist of the wearer with a waist belt 24 having a first end and a second end, as shown in figure 2, as described in column 3, line 39. The first and second ends are releasably attached, as disclosed in column 3, lines 7-10. The proximal end of a disposable suspension sling 2 is attached to a first sling attachment location, as described in column 3, line 40. The suspension sling 2 is drawn through the crotch of the wearer and the distal end is attached at a second sling attachment location, as described in column 3, lines 44-45. The method further comprises the step of orienting the first belt end toward the anterior portion of the torso, as described in column 3, lines 41-43.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ronnberg (6, 241,716) as applied to claim 10 above, and further in view of Ygge et al. (5,549,593).

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Ronnberg discloses all aspects of the claimed invention with the exception of the step of rotating the belt to locate the suspension sling at the posterior position of the torso. Ygge discloses the step of, once the proximal end of the suspension sling is attached to the belt, and the belt attached around the waist, rotating the belt until the suspension sling is located at the posterior of the torso, as described in column 3, lines 41-43. This step allows the wearer to put on the garment without having to twist or bend their body, as disclosed in column 3, lines 47-50. It would therefore be obvious to one of ordinary skill in the art at the time of invention to apply the garment of Ronnberg while including the rotating step of Ygge to obviate the need of the wearer to twist or bend their body, thus providing comfort to the wearer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 5,971,970 and 6,342,050 disclose methods of applying absorbent undergarments having belts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

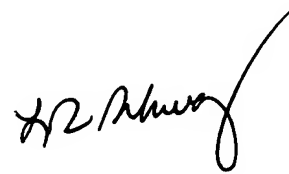
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CNA

cla

May 31, 2005



Larry I. Schwartz
Supervisory Patent Examiner
Group 3700